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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,606	09/26/2001	John English	ENG-01	7831
23508	7590	01/11/2005	EXAMINER	
LUNDEEN & DICKINSON, LLP			NGUYEN, KIEN T	
PO BOX 131144			ART UNIT	
HOUSTON, TX 77219-1144			PAPER NUMBER	
			3714	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

09/682,606

Applicant(s)

ENGLISH, JOHN

Examiner

Derris H. Banks

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 7 and 18-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (USP 6,682,463) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Sweeney et al. and "WRESTLING MATS", Wresler's World suplay.com.

For purposes of examination, Jackson (USP 6,682,463) has been used in the following rejection.

Jackson discloses: a mat (9) (col. 2, lines 20-22) removeably disposed (col. 2, lines 30-31 and col. 3, lines 56-60) in a pugilist corner adjacent to a respective post so as to overlies a portion of the floor at the corner (col. 2, lines 41-49); a seat area (col. 2, lines 32-34); the mat (9) disposed outwardly of the central area for catching fluids from administering to the pugilist when seated on the seat (See entire disclosure), whereby the mat (9) is secured in place against the floor by the weight of the pugilist on the seat (col. 2, lines 32-34); a cutout for the post (figs. 1 & 3) formed in a corner of the mat (9); first and second edges (9, 11) of the mat (9) extending from the cutout substantially at a right angle for alignment with respective edges of the floor (figs. 1 & 3), an arcuate edge (figs. 1 & 3) of the mat (9) extending between end of the first and second edges (9, 11) of the mat (9) opposite the cutout (figs. 1 & 3), and a printable area on the mat for recording pugilist data (col. 2, lines 3-5).

Jackson teaches the claimed invention except for the claimed boxing ring configuration. Applicant's Admitted Prior Art (AAPA) teaches that the typical boxing ring configuration comprises a ring with opposing corners and that the boxer retires to his corner between rounds, sits on a seat, and that the ring floor is subjected to various liquids administered to or exuding from the boxer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the disclosure of a boxing configuration, as taught by AAPA, with the boxing ring mat of Jackson, since such a modification would have provided "...safe boxing... event conditions during both training and competitive events (col. 1, lines 55-58 of Jackson).

Jackson in view of AAPA fails to teach customizable indicia on mats. "WRESTLING MATS", Wresler's World suplay.com teaches that it is known to utilize wrestling mats having customizable indicia/insignias, which can be placed on any location on the wrestling mat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the concept of a customizable wrestling mat with the wrestling mat of Jackson '463, since such a modification would have provided greater visual pleasure to the user, as well as means for commercial advertisement.

Additionally, with regards to the actual placement and type of the indicia on the mat surface, Jackson discloses the claimed invention except for the specific arrangement and/or content of indicia (printed matter) set forth in the claims. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the desired indicia (e.g., logo, match data, or pugilist signature) in any orientation on the mat surface, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack* 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed (e.g., oriented) on the substrate may render the device more convenient by providing an individual with a specific type of printable indicia does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability. Thus, there is no novel and unobvious functional relationship between the printed matter e.g., indicia and the substrate e.g., mat which is required for patentability. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the desired indicia in any orientation on a mat, since it has been held the rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With regards to the method claims 8-14, 16 & 17, the disclosed structure of Jackson in view of AAPA is inherently cable of performing the claims method.

While Jackson '463 discloses a flexible mat structure, Jackson in view of AAPA fails to disclose an absorbent mat, with said absorbent mat having multiple layers (i.e., upper absorbent, lower absorbent, and intermediate impervious).

Sweeny et al. teaches of an absorbent three-ply mat structure comprising an upper absorbent layer (32), lower absorbent layer (28) (col. 3, lines 37-49), and intermediate layer (30) (col. 3, lines 40-56). It would have been obvious to one having ordinary skill in the art to utilize the three-ply absorbent mat, as taught by Sweeney et al., with the boxing ring mat as taught by Jackson in view of AAPA, since such a modification would have provided more absorbent slip-resistant mat assembly.

Response to Arguments

Applicant's arguments with respect to claim 1-3, 5, 6, 8-14, 16, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached between the hours of 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final Communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Derris H. Banks
Supervisory Patent Examiner
Art Unit 3712, Technology Center 3700